

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PREN NOTHNAGEL,

Petitioner,

v.

CLIFF ALLENBY, Acting Director,
California Department of Mental
Health,

Respondent.

No. C 12-5976 CW (PR)

ORDER TO SHOW CAUSE

Petitioner, a civil detainee, has filed this pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging his civil commitment proceeding. He has paid the \$5.00 filing fee. It does not appear from the face of the petition that it is without merit.¹ Good cause appearing, the Court hereby issues the following orders:

1. The Clerk of the Court shall serve a copy of this Order and the petition and all attachments thereto upon Respondent and Respondent's attorney, the Attorney General of the State of California.² The Clerk shall also serve a copy of this Order on Petitioner at his current address.

¹ The Court refers Respondent to Petitioner's prior habeas action which the Court dismissed on abstention grounds. See Nothnagel v. Allenby, C 11-3753 CW (PR). In the present petition, Petitioner maintains that, in accordance with the ruling in that order, abstention is no longer warranted.

² Cliff Allenby, Acting Director of the California Department of Mental Health which operates Coalinga State Hospital, where Petitioner is incarcerated, has been substituted as Respondent pursuant to Rule 25(d) of the Federal Rules of Civil Procedure.

1 2. No later than sixty days from the date of this Order,
2 Respondent shall file with this Court and serve upon Petitioner an
3 Answer conforming in all respects to Rule 5 of the Rules Governing
4 Section 2254 Cases, showing cause why a writ of habeas corpus
5 should not be issued. Respondent shall file with the Answer all
6 portions of the state record that have been transcribed previously
7 and are relevant to a determination of the issues presented by the
8 petition.

9 If Petitioner wishes to respond to the Answer, he shall do so
10 by filing a Traverse with the Court and serving it on Respondent
11 no later than thirty days from his receipt of the Answer. If he
12 does not do so, the petition will be deemed submitted and ready
13 for decision on the date the Traverse is due.

14 3. No later than sixty days from the date of this Order,
15 Respondent may file with this Court and serve upon Petitioner a
16 motion to dismiss on procedural grounds in lieu of an Answer, as
17 set forth in the Advisory Committee Notes to Rule 4 of the Rules
18 Governing Section 2254 Cases.

19 If Respondent files such a motion, Petitioner shall file with
20 the Court and serve on Respondent an opposition or statement of
21 non-opposition to the motion within twenty-eight days of receipt
22 of the motion, and Respondent shall file with the Court and serve
23 on Petitioner a reply within fourteen days of receipt of an
24 opposition.

25 4. It is Petitioner's responsibility to prosecute this
26 case. He must keep the Court and Respondent informed of any
27 change of address and comply with the Court's orders in a timely
28 fashion. He also must serve on Respondent's counsel all

1 communications with the Court by mailing a true copy of the
2 document to Respondent's counsel.

3 5. Extensions of time are not favored, though reasonable
4 extensions will be granted. Any motion for an extension of time
5 must be filed no later than ten days prior to the deadline sought
6 to be extended.

7 IT IS SO ORDERED.

8 Dated: 4/3/2013


CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE